

### **REMARKS/ARGUMENTS**

Reconsideration and allowance are respectfully requested. No new matter is added by the amendments made herein.

#### **Interview Summary**

The undersigned thanks Examiners Chen and Pendleton for taking the time to conduct a telephone interview on September 8, 2009. During the interview, a proposed amendment to claim 3 was discussed. The Examiners agreed that the proposed amendment would likely overcome the current rejection of independent claim 3, because neither the Dureau nor Chen references teach or suggest “determining whether a protocol associated with the second payload is dissimilar from a protocol associated with the first payload,” as proposed to be added to claim 3.

Accordingly, Applicant has amended claim 3 nearly identically to that proposed during the interview. Applicant has also amended independent claims 29 and 32 to further clarify the differences over the cited references, although in a different manner.

#### **Previous Amendments to Fig. 1**

Applicant respectfully requests that the Examiner confirm on the record that the previously submitted amendments to Fig. 1 have been accepted.

#### **Claim Rejections**

The claims are rejected as follows:

- Claims 3-5, 13-15, 29, and 32 are rejected under 35 U.S.C. § 103(a) as being anticipated by U.S. Publication No. 2003/0135860 to Dureau (“Dureau”) in view of U.S. Publication No. 2005/0022253 A1 to Chen (“Chen”).
- Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of U.S. Publication No. 2004/0246373 A1 to Kadano (“Kadano”).

- Claims 7, 8, 30, and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, and further in view of Candalore.
- Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, further in view of Candalore, and further in view of U.S. Patent No. 7,073,187 to Hendricks (“Hendricks”).
- Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, further in view of Candalore, still further in view of Hendricks, and even further in view of U.S. Patent No. 5,757,909 to Park (“Park”).
- Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged combination of five references: Dureau in view of Chen, further in view of Candalore, still further in view of Hendricks, even further in view of Park, and still further in view of U.S. Patent No. 6,567,127 to Orr (“Orr”).
- Claims 31 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dureau in view of Chen, further in view of Candalore, and still further in view of U.S. Re. No. 38,236 to Kubota, et al. (“Kubota”).

Applicant respectfully traverses these rejections in view of the amendments and arguments herein.

**Independent Claim 3**

Independent claim 3 as amended recites “determining whether a protocol associated with the second payload is dissimilar from a protocol associated with the first payload; transcoding the second payload to the protocol associated with the first payload if the protocol associated with the second payload is determined to be dissimilar from the protocol associated with the first payload.”

As discussed during the interview neither Dureau nor Chen, either alone or in combination, teaches or suggests this feature.

**Independent Claim 29**

Independent claim 29 as amended recites “demultiplexing a first transport stream to recover a plurality of first payloads and a plurality of second payloads therein, each of the first payloads being formatted according to a first protocol, and each of the second payloads being formatted according to a second protocol; transcoding each of the second payloads so as to be formatted according to a protocol that depends upon the first protocol.”

The Office Action asserts Dureau for the recited demultiplexing and transcoding. However, as discussed during the interview, Dureau only transcodes a packet so as to be compatible with a known recipient of the packet. Dureau fails to teach or suggest transcoding a payload so as to be formatted according to a protocol of another payload in the demultiplexed stream. In fact, in Dureau there is no dependency at all of protocols as between payloads.

Accordingly, Dureau fails to teach or suggest “transcoding each of the second payloads so as to be formatted according to a protocol that depends upon the first protocol,” as now recited.

Chen does not overcome this deficiency of Dureau. Nor is Chen asserted by the Office Action for this purpose.

Accordingly, it is submitted that amended claim 29 is patentable over Dureau and Chen, either alone or in combination.

**Independent Claim 32**

Independent claim 32 as amended recites “a transcoder configured to transcode each of the second payloads in a manner that depends upon the first protocol.” Accordingly, it is submitted that claim 32 is also allowable over Dureau and Chen for at least similar reasons as discussed above with regard to claim 29.

**Dependent Claims**

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein. Nor do the remaining asserted references overcome the above-discussed deficiencies of Dureau and Chen.

**Conclusion**

All rejections having been addressed, it is submitted that the present application is in condition for allowance. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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Dated: November 10, 2009